

In re:
David Adenaike
Debtor

Case No. 16-13307-amc
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0313-2
Date Rcvd: May 19, 2021

User: admin
Form ID: pdf900

Page 1 of 2
Total Noticed: 5

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 21, 2021:

Recip ID	Recipient Name and Address
cr	+ WELLS FARGO BANK, N.A., P.O. Box 29482, Phoenix, AZ 85038-9482

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
db	+ Email/Text: adekmoss@gmail.com	May 20 2021 02:15:00	David Adenaike, 1036 Pine Street, Darby, PA 19023-2000
cr	Email/Text: megan.harper@phila.gov	May 20 2021 02:15:00	City of Philadelphia, Law Department, c/o Megan N. Harper, 1401 JFK Blvd. Room 580, Philadelphia, PA 19102
cr	+ Email/Text: duffyk@co.delaware.pa.us	May 20 2021 02:15:00	Delaware County Tax Claim Bureau, Government Center, 201 W. Front Street, Media, PA 19063-2708
cr	Email/Text: MemberSolutionsBankruptcyNotification@fmfcu.org	May 20 2021 02:14:00	Franklin Mint Federal Credit Union, 5 Hillman Drive, Suite 100, Chadds Ford, PA 19317

TOTAL: 4

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 21, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 19, 2021 at the address(es) listed below:

Name	Email Address
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District/off: 0313-2

User: admin

Page 2 of 2

Date Rcvd: May 19, 2021

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ANDREW L. SPIVACK

on behalf of Creditor Toyota Motor Credit Corporation andrew.spivack@brockandscott.com wbecf@brockandscott.com

ANTHONY ST. JOSEPH

on behalf of Creditor United States of America on Behalf of IRS anthony.stjoseph@usdoj.gov
mardella.suarez@usdoj.gov,CaseView.ECF@usdoj.gov

BRETT ALAN SOLOMON

on behalf of Creditor PNC Bank National Association bsolomon@tuckerlaw.com, agilbert@tuckerlaw.com

CHRISTOPHER JOHN LEAVELL

on behalf of Creditor Franklin Mint Federal Credit Union cleavell@klehr.com lclark@klehr.com

CORINNE SAMLER BRENNAN

on behalf of Creditor Franklin Mint Federal Credit Union cbrennan@klehr.com swenitsky@klehr.com

JACK K. MILLER

on behalf of Trustee WILLIAM C. MILLER Esq. philaecf@gmail.com, ecfemails@ph13trustee.com

JASON BRETT SCHWARTZ

on behalf of Creditor Philadelphia Federal Credit Union jschwartz@mesterschwartz.com

JILLIAN NOLAN SNIDER

on behalf of Creditor PNC Bank National Association jsnider@fbtlaw.com, agilbert@tuckerlaw.com

KEVIN G. MCDONALD

on behalf of Creditor Toyota Motor Credit Corporation bkgroup@kmlawgroup.com

MEGAN N. HARPER

on behalf of Creditor City of Philadelphia megan.harper@phila.gov karena.blaylock@phila.gov

REBECCA ANN SOLARZ

on behalf of Creditor PNC Bank National Association bkgroup@kmlawgroup.com

ROGER V. ASHODIAN

on behalf of Debtor David Adenaike ecf@schollashodian.com

STEPHEN VINCENT BOTTIGLIERI

on behalf of Creditor Delaware County Tax Claim Bureau steve@bottiglierilaw.com
ecfnotices@comcast.net;sbottiglieri@toscanigillin.com

United States Trustee

USTPRegion03.PH.ECF@usdoj.gov

WILLIAM C. MILLER, Esq.

ecfemails@ph13trustee.com philaecf@gmail.com

WILLIAM C. MILLER, Esq.

on behalf of Trustee WILLIAM C. MILLER Esq. ecfemails@ph13trustee.com, philaecf@gmail.com

TOTAL: 16

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:

DAVID ADENAIKE, : **CHAPTER 13**
: **Debtor.** : **BANKRUPTCY NO. 16-13307-amc**

ORDER

AND NOW, this 19th day of May, 2021, upon consideration of the Debtor's Third Amended Motion to Sell Properties Free and Clear of Liens Pursuant to 11 U.S.C. §363(f) (Doc. No. 414), and any response thereto, and after notice and hearing, it is hereby **ORDERED** that the Motion is **GRANTED** in part and deemed withdrawn in part. Debtor is authorized to sell his real property located at 2445 South Edgewood Street, Philadelphia, PA 19142 ("Edgewood"), free and clear of liens pursuant to 11 U.S.C. §363(f), with all liens on Edgewood to be paid at closing except as otherwise provided in this Order, for the sale price of \$60,000.00, to the Buyer thereunder, Blackstone Home Buyers, LLC, or its assignee, provided that the closing agent, after crediting the payment of \$4,091.19 to the City of Philadelphia by Interstate Abstract that had been escrowed in connection with a prior sale of real property by the Debtor on October 31, 2019 pursuant to a prior Order entered on October 16, 2019, shall tender funds directly to the City of Philadelphia sufficient to satisfy any and all outstanding obligations of the Debtor secured by Edgewood other than unknown Water Revenue Bureau charges, as defined below, for which the Buyer and Buyer's assignee will escrow \$2,000.00 at closing, and shall tender funds sufficient to satisfy the payoff amount due for obligations to Philadelphia Gas Works on Edgewood.

The portion of the Third Amended Motion to Sell Properties Free and Clear of Liens related to the Debtor's property at 1036 Pine Street, Darby, PA 19023 is deemed withdrawn.

Subject to changes between the estimated settlement sheet/closing disclosure and the final settlement sheet/closing disclosure, the proceeds of the sale of Edgewood, including any funds held as a deposit made by or on behalf of the Buyer, shall be distributed in the following manner:

A. SALE PRICE	\$ <u>60,000.00</u>
1. Credit to the Debtor for real estate taxes through year end (estimated)	\$ <u>508.41</u>
B. SUBTOTAL AFTER PRO-RATED REAL ESTATE TAX CREDIT (Sale Price A+Line 1)	\$ <u>60,508.41</u>
2. Ordinary and reasonable settlement costs, including, but not limited to those related to notary services, deed preparation, disbursements, express shipping, surveys, municipal certifications, or any other such routine matters (to be paid by Buyer)	\$ <u>0.00</u>
3. Mortgage liens to be paid directly at closing	\$ <u>0.00</u>
4. City of Philadelphia liens to be paid directly at closing:	
a. City of Philadelphia Real Estate Taxes (as of May 3, 2021; with prorated credit to Debtor for prepaid 2021 Taxes – see Line 1)	\$ <u>3,176.87</u>
b. City of Philadelphia Water Revenue Bureau (subject to adjustment)	<u>2,747.18</u>
C. SUBTOTAL OF CITY OF PHILADELPHIA LIENS (Lines 4a+4b)	\$ <u>5,924.05</u>
5. Less Credit for Escrow Funds to City of Philadelphia held by Interstate Abstract (funds were previously sent to City of Philadelphia Revenue Department by Interstate Abstract, but were not cashed; the funds have been reissued to City of Philadelphia and paid at closing)	\$ <u>4,091.19</u>
D. NET SUBTOTAL TO CITY OF PHILADELPHIA FROM SALE (Subtotal C – Line 5)	\$ <u>1,832.86</u>
6. Philadelphia Gas Works liens to be paid directly at closing:	\$ <u>1,750.62</u>
7. Property repairs, if any	\$ <u>0.00</u>
8. Real estate commission, at no greater than 6% (to be paid by Buyer)	\$ <u>0.00</u>
9. Transfer tax (to be paid by Buyer – Seller's share is \$0)	\$ <u>0.00</u>
10. Attorneys' fees, if any (other fees may be sought in a fee application)	\$ <u>1,500.00</u>

11.	Any small (less than \$300) allowances agreed to be made to Buyer to settle any unforeseen dispute arising at settlement	\$ <u>0.00</u>
	E. SUBTOTAL TO BE PAID DIRECTLY FROM SALE PROCEEDS (Lines 2+3+Subtotal D+Lines 6+7+8+9+10+11)	\$ <u>5,083.48</u>
	F. NET SUBTOTAL BEFORE DISTRIBUTION TO TRUSTEE (Subtotal B-Subtotal E)	\$ <u>55,424.93</u>
12.	Chapter 13 Plan payment to Trustee (to be credited as indicated below)	\$ <u>5,802.00</u>
	G. NET PROCEEDS TO DEBTOR (Subtotal F-Line 12)	\$ <u>49,622.93</u>
	H. TOTAL DISBURSEMENTS (Subtotal E+Line 12+Subtotal G)	\$ <u>60,508.41</u>

Satisfaction of all liens and encumbrances necessary to give good title to the Buyer, including those of the City of Philadelphia, School District of Philadelphia, City of Philadelphia Water Revenue Bureau, and Philadelphia Gas Works, shall occur at closing; except that the Buyer assumes responsibility and has agreed to escrow \$2,000.00 for any additional Water Revenue Bureau charges for the period during which the water meter was not responding and/or was stolen. All liens not paid in full, or the unpaid portions thereof, shall attach to the remaining proceeds of the sale to the same extent and with the same priority that existed immediately prior to the sale, except for the Water Revenue Bureau charges that will be assumed by the Buyer. Entry of this Order is only binding upon interested parties with respect to liens that must be satisfied and amounts owed by the Debtor on Edgewood, and does not constitute a determination of amounts due, nor is the Order binding on the Debtor, the City of Philadelphia, School District of Philadelphia, City of Philadelphia Water Revenue Bureau, Philadelphia Gas Works, or any other creditor with respect to any property other than Edgewood, or with respect to any further modification of the Debtor's Chapter 13 Plan, should any party seek modification of the Plan,

taking into account the funds have been disbursed pursuant to the Orders previously entered by the Court with respect to the sales of other properties owned by the Debtor and to be disbursed pursuant to this Order.

As indicated in line 12 above, after paying all liens in full, and any and all costs of sale chargeable to the Debtor under the Agreement of Sale, the title clerk shall pay to William C. Miller, Chapter 13 Standing Trustee, sales proceeds in the amount of \$ 5,802.00. Of that amount, \$4,302.00 shall be applied to bring the payments current, resolving any delinquency status and to be disbursed under the terms of current Fifth Revised Eighth Amended Chapter 13 Plan dated October 28, 2020, and filed on November 13, 2020 (Doc. No. 405), and \$1,500.00 shall be treated as a special receipt and applied as an increase in the base amount of \$156,373.68 set forth in the Fifth Revised Eighth Amended Chapter 13 Plan for the benefit of creditors.

The base amount of the Debtor's Fifth Revised Eighth Amended Chapter 13 Plan shall be deemed increased by \$1,500.00 as set forth above, but reduced by \$495.45 for water charges for Edgewood provided in Part 4(c) of the Fifth Revised Eighth Amended Chapter 13 Plan that will be paid directly to the City of Philadelphia Water Revenue Bureau (see City of Philadelphia Water Revenue Bureau's Claim No. 29) under this Order, and shall be deemed further reduced by \$414.33 for pre-petition real estate taxes for Edgewood provided in Part 4(c) of the Fifth Revised Eighth Amended Chapter 13 Plan that will be paid directly to the City of Philadelphia/School District of Philadelphia (see City of Philadelphia/School District of Philadelphia's Claim No. 30). Nothing in this Order shall prevent the Debtor from filing a motion to modify his current Chapter 13 Plan.

The title clerk shall FAX or e-mail a completed settlement sheet/closing disclosure from the closing directly to the Trustee immediately upon the close of the settlement, and the Trustee

shall promptly notify the title company of his approval or objections to the sums to be disbursed if they vary from the amounts set forth in this Order. Upon Trustee approval, the title clerk shall FAX or e-mail a copy of the disbursement check to the Trustee, and shall immediately transmit the actual disbursement check to the Trustee by overnight courier or by other means as agreed by the Trustee.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Ashely M. Chan', is written above a horizontal line.

HONORABLE ASHELY M. CHAN
UNITED STATES BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:

DAVID ADENAIKE, : **CHAPTER 13**
: **Debtor.** : **BANKRUPTCY NO. 16-13307-amc**

CERTIFICATION OF SERVICE

I, Roger V. Ashodian, attorney for the Debtor in the above-captioned matter, hereby certify that on or before May 18, 2021, I served a copy of foregoing second further revised proposed form of order granting Debtor's Motion to Sell Properties Free and Clear of Liens Pursuant to 11 U.S.C. §363(f) with respect to the property at 2445 South Edgewood Street on the following parties by ECF notice, and/or by e-mail, as indicated below, to the following addresses:

William C. Miller, Esquire (e-mail to Jack Miller, Esq. and ECF Notice)
Chapter 13 Standing Trustee
Attention: Jack Miller, Esquire
1234 Market Street – Suite 1813
P.O. Box 1229
Philadelphia, PA 19105

Frederic J. Baker, Esquire (ECF Notice)
Sr. Assistant United States Trustee
U.S. Custom House
200 Chestnut Street, Suite 502
Philadelphia, PA 19106-2912

Philadelphia Gas Works (e-mail only)
c/o Pearl Pham, Esquire
Legal Department, 4th Floor
800 Montgomery Avenue
Philadelphia, PA 19122

(continued on next page)

Service list (continued):

City of Philadelphia Water Revenue Bureau (e-mail and ECF Notice)
City of Philadelphia/School District of
Philadelphia
c/o Megan Harper, Esquire
Deputy City Solicitor
Law Dept.- Tax & Revenue Unit
1401 JFK Blvd, 5th Floor
Philadelphia PA 19102

Mr. David Adenaike (e-mail only)
1036 Pine Street
Darby, PA 19023

REGIONAL BANKRUPTCY CENTER OF
SOUTHEASTERN PA, P.C., by:



Roger V. Ashodian
Attorney ID #42586
101 West Chester Pike, Suite 1A
Havertown, PA 19083
(610) 446-6800

Attorney for Debtor